

REMARKS

Applicant acknowledges with appreciation the Examiner's indication during the telephonic interview conducted March 20, 2006, that the present application defines allowable subject matter.

During the interview, the Examiner indicated that, owing to publication of USSN 10/723,566 on July 8, 2004, the claims could be subject to a provisional rejection under 35 USC 103(a) as being obvious over published application US/2004/0129279 to Carl E. Fabian.


At the time that the subject matter defined by present claims 1-3, 5-6, 8-13 and 15-27 was invented, each of the present application and US Patent Publication No. US/2004/0129279 were owned by Carl E. Fabian, the inventor of the present application, or were subject to an obligation of assignment to Carl E. Fabian. Accordingly, it is submitted that under the provisions of 35 U.S.C. 103(c), US patent Publication No. US/2004/0129279 is not applicable as prior art under 35 USC 102(e), 102(f), or 102(g) against the instant application. In light of the inapplicability of US Patent Publication No. US/2004/0129279 as a prior art reference, applicant respectfully submits that claims 1-3, 5-6, 8-13 and 15-27 should not be subject to rejection under 35 USC 103(a) as being unpatentable over US Patent Publication US/2004/0129279.

Conclusion

In view of the statement of ownership contained herein and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition.

Allowance of this application is, therefore, earnestly solicited.

Respectfully submitted,
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